

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

CHARLES EDWARD AVERILL,

Petitioner,

File no: 2:07-CV-06

v.

HON. ROBERT HOLMES BELL

JERI-ANN SHERRY,

Respondent.

\_\_\_\_\_/

**ORDER APPROVING MAGISTRATE'S  
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate in this action. The Report and Recommendation was duly served on the parties. No objections have been filed.

ACCORDINGLY, the Report and Recommendation is hereby adopted as the opinion of the Court.

THEREFORE, IT IS ORDERED that petitioner's habeas corpus petition is hereby **DENIED**.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED** as to each issue raised by the petitioner in this application for habeas corpus relief because petitioner has failed to make a "substantial showing of a denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

Dated: October 30, 2009

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
UNITED STATES DISTRICT JUDGE